

NOTTINGHAM CITY COUNCIL
SPECIAL LICENSING PANEL

Date: Tuesday 8 May 2012

Time: 10.30am

Place: Meeting Room LB 31 - 3rd Floor at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Acting Corporate Director of Resources

Constitutional Services Officer: Zena West Direct dial - 0115 8764305

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

Councillors, colleagues or other participants in meetings are requested to declare any personal or personal and prejudicial interest in any matter(s) on the agenda

**3 APPLICATION FOR REVIEW OF PREMISES LICENCE PREMIER
GENERAL STORE, 27-28 TANNERS WALK, BROADMARSH,
NOTTINGHAM**

Attached

Report of Corporate Director for Communities

IF YOU ARE UNSURE WHETHER OR NOT YOU SHOULD DECLARE AN INTEREST IN A PARTICULAR MATTER, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING, WHO WILL PROVIDE ADVICE IN THE FIRST INSTANCE.

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST FIFTEEN MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

Wards affected: Bridge

Agenda item
SPECIAL LICENSING PANEL
 8 May 2012

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

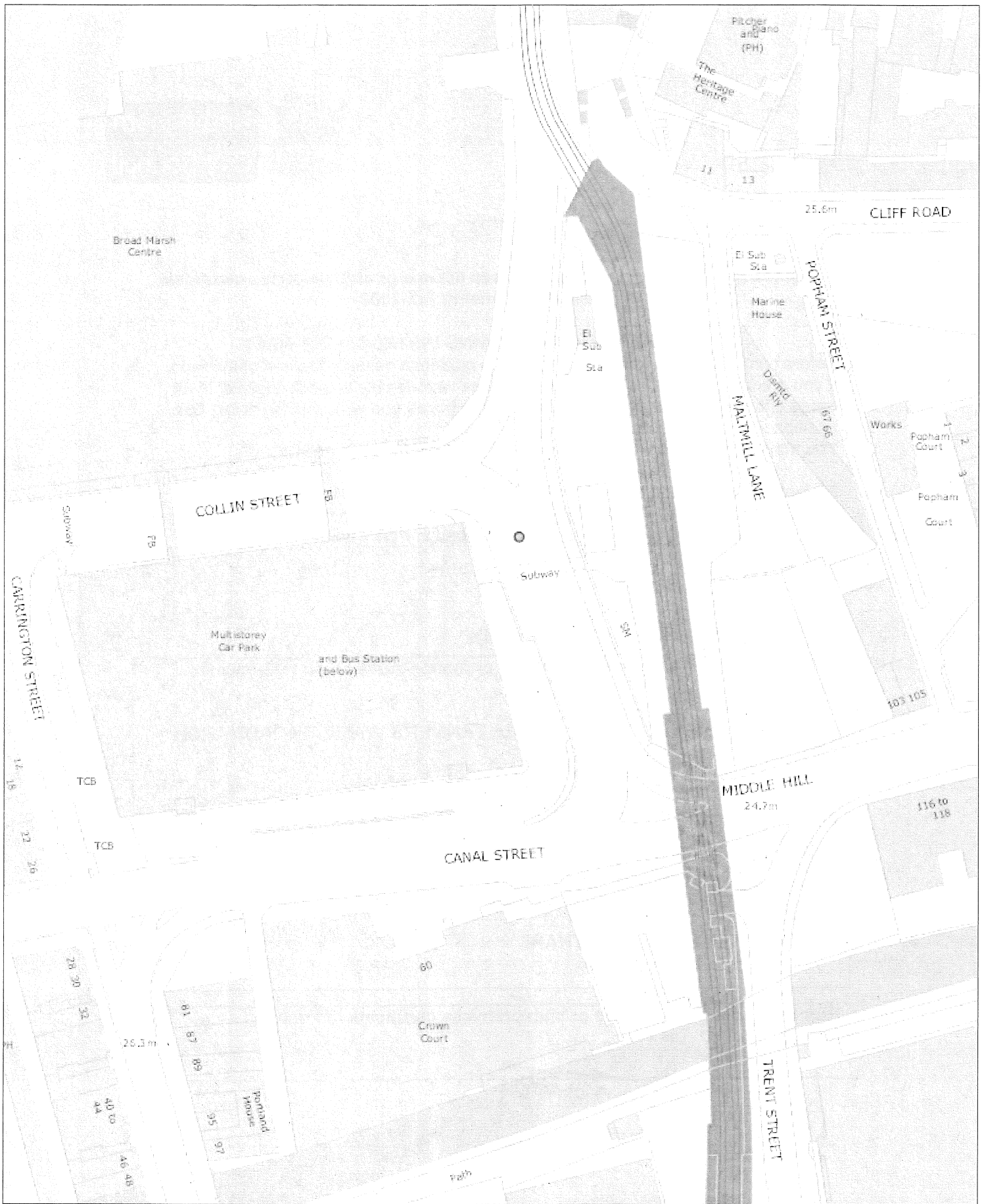
REVIEW OF PREMISES LICENCE

Premises concerned	Premier General Store 27-28 Tanners Walk Broadmarsh Nottingham NG1 7LG Please see attached Premises Licence
Premises licence holder	Chetan Patel & Bhavin Kothari
Party submitting review	Jane Bailey, for & on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH Please see attached application.
Date application Received:	22 March 2011
Last date for representations:	8 May 2012 The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 23 March 2011 to 19 April 2012 inclusive.
Relevant representations received	Please see the attached.
Matters which the Authority has asked the parties to clarify	1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.
Issues	
Issue 1	Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote (1) the prevention of crime & disorder (2) public safety or whether no action is necessary.









Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
Relevant Guidance	Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	<ol style="list-style-type: none"> 1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or 2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or 3. To remove the designated premises supervisor; and/or 4. To suspend the premises licence for a period not exceeding 3 months; or 5. To revoke the licence.
Published documents referred to in compiling this report	<p>Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003.</p> <p>Statement of Licensing Policy issued by Nottingham City Council.</p>

Andrew Errington
Director of Community Protection
Central Police Station, North Church Street, Nottingham NG1 4BH

Contact Officer: Sue Bowler, Licensing Officer 0115 9152089



**Premier General Store
27-28 Tanners Walk
Broadmarsh**

-  City Boundary
-  Place Names 400k
-  NET_Line_One_400k
-  Roads_400k
-  Motorway
-  Primary Road
-  A Road
-  Rail_Line_400k

0 39.7 Meters



© Crown Copyright and database right 2012. Ordnance Survey Licence number 100019317. Aerial Photography Copyright: Geoperspectives, 2007

This map is a user generated static output from NOMAD mapping site and is for reference only.





070702

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

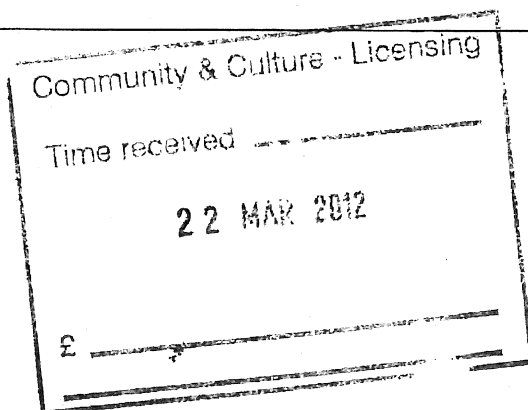
- I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
PREMIER GENERAL STORE, 27 – 28 TANNERS WALK, BROADMARSH CENTRE,	
Post town NOTTINGHAM	Post code (if known) NG1 7LG

Name of premises licence holder or club holding club premises certificate (if known) Chetan PATEL & Bhavin KOTHARI
--

Number of premises licence or club premises certificate (if known) 040873



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nottingham City Council Trading Standards Service Central Police Station, North Church Street, Nottingham NG1 4BH
Telephone number (if any) 0115 844 5018
E-mail address (optional) jane.bailey@nottinghamcity.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance

Please provide as much information as possible to support the application
(please read guidance note 2)

The circumstances leading to this application are as aforementioned in that:

On 19/10/2011 & 09/11/2011 Trading Standards Officers carried out inspections of the Premier General Store 27-28 Tanners Walk, Broadmarsh Centre, Nottingham. The initial visit was as a direct result of a complaint received from a member of the public who had become ill after having consumed vodka purchased from the shop. On both occasions vodka was found that was either of a standard not fit for human consumption or had counterfeit labels affixed to it indicating that it had been smuggled into the UK to avoid import tax.

During the inspection on 19/10/2011 the following was seized:

- 6 x 35cl bottles of Artic Ice vodka,
- 2 x 1 litre bottles of Russian Standard vodka,
- 2 x 1 litre bottles of 5 Lakes vodka
- 31 x 70 cl bottles of Artiv vodka

All of the above was on sale to the public. They are not recognised brands within the UK. All had labels on them stating the alcohol content was 37.5%.

Forensic examination showed that the alcohol content of the Artic Ice was 51.5% proof substantially over the strength showed on the bottle. All the other brands were under strength. This is not only misleading to the public but directly contravenes the Food labelling Regulations 1996.

More alarming was that both the Artic Ice and Russian Standard also had considerably high levels of methanol. The Artic Ice was 27 times higher than the maximum permitted level whilst the Russian Standard was 18 times higher than the maximum permitted limit.

The laboratory report relating to both the Artic Ice and the Russian Standard state that the high methanol levels indicate that the product is not genuine vodka and also that the drink is so contaminated that it is unfit for consumption.

On 09/11/2011 a further inspection was made and bottles of Glens Vodka were seized. Enquiries revealed that these bottles had been legitimately produced by Glens for the export market and as such the back labels did not incorporate a UK Duty Stamp. The ones recovered from the Premier General Store did have such a stamp on them. This means the original labels had been removed and replaced by counterfeit ones in a deliberate attempt to avoid paying duty on them. This is a clear indication that they had been smuggled into the UK.

The licence for the premises is held in joint names – Mr Cethan Patel & Mr Bhavin Kothari.

On 27/01/2012 Mr Cethan Patel was interviewed. He stated that he was the licence holder for the Premier General Store and he alone was responsible for buying stock. He stated that all the vodka seized on 19/10/2010 he had purchased from a company called D & G Limited who he believed were from London. He said that a man visited the store offering to supply a variety of beers and spirits. He said the man was foreign, possibly Turkish. He agreed to make a purchase and subsequently the products were delivered. He said he paid the man £1,375.78 in cash. Mr Patel provided an invoice to prove this.

He said he had not been able to contact them since.

He agreed that the products were substantially cheaper than he usually paid. He described the male as being a foreign male.

He said normally he would get his stock from Booker Ltd. He claimed this is where he purchased the Glens vodka subject of the seizure on 09/11/2011. He produced invoices from Booker Ltd showing purchases of Glen's vodka.

On 23/02/2012 Mr Bhavin Kothari was interviewed. He said that he no longer had any involvement in the Premier General Store. He said his name needed to be taken off the licence. He stated that he and his cousin (Mr Patel) had split the business in two and he now looked after a store in Hucknall.

He said he left the business about 6 months ago. He denied having any involvement in purchasing any stock for the Broadmarsh Centre Store.

Since the interviews, enquiries have been made to trace D & G Limited at the address on the invoice supplied by Mr Patel. The company does not exist.

Enquiries have also been made with Booker Ltd who state that Glens Vodka is supplied directly to them from the distilleries bonded warehouse. That being the case the vodka seized from the Premier General Store on 09/11/2011 was not supplied by them and could only have come from the black market.

Summary

As aforementioned it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Jane Bailey

Date

21st March 2012

Capacity

Trading Standards Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003

Community & Culture

Lawrence House
Talbot Street
Nottingham
NG1 5NT
Tel: 0115 915 5555
Fax: 0115 915 6145

Premises Licence

Premises licence number: 040873

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Premier General Stores
27-28 Tanners Walk
Broad Marsh Centre

Post town	Nottingham	Post code	NG1 7LG
-----------	------------	-----------	---------

Telephone number	0115 9559979
------------------	--------------

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol;

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday	from 08.00 hrs to 18.00 hrs
Tuesday	from 08.00 hrs to 18.00 hrs
Wednesday	from 08.00 hrs to 18.00 hrs
Thursday	from 08.00 hrs to 18.00 hrs
Friday	from 08.00 hrs to 18.00 hrs
Saturday	from 08.00 hrs to 18.00 hrs
Sunday	from 10.00 hrs to 18.00 hrs

The opening hours of the premises

Monday	from 08.00 hrs to 18.00 hrs
Tuesday	from 08.00 hrs to 18.00 hrs
Wednesday	from 08.00 hrs to 18.00 hrs
Thursday	from 08.00 hrs to 18.00 hrs
Friday	from 08.00 hrs to 18.00 hrs
Saturday	from 08.00 hrs to 18.00 hrs
Sunday	from 10.00 hrs to 18.00 hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol - Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Chetan Patel, Premier Stores, 27-28 Tanners Walk, Broadmarsh, Nottingham NG1 7LG

Bhavin Kothari, Premier Stores, 27-28 Tanners Walk, Broadmarsh, Nottingham NG1 7LG

(Transferred: 16 July 2009)

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Bhavin Kothari

(Varied: 16 July 2009)

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

PE/00901 issued by Ashfield District Council

Signed:
Licensing Officer

Date: 3 July 2007

Annex 1 - Mandatory Conditions

S. 19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of it or,
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions Consistent with the Operating Schedule

Not applicable

Annex 3 - Conditions attached after a hearing by the licensing authority – 5 July 2007

1. CCTV cameras shall be installed and maintained in the premises in accordance with Police Licensing Officers' recommendations and images shall be retained for 31 days and made available to the Police and other authorised persons.
2. Proof of age policy shall operate at all times in relation to relevant licensable activities.
3. At all times the premises are open a member of staff shall monitor the premises in order to prevent public nuisance.

Annex 4 – Plans

Plan received with the application on 23 April 2007

Plan applicable from the date of the issue of the licence

5 July 2007